

**March 21, 2023**

Council of the City of Wheeling met, on the above date, at 5:30 pm, at 1500 Chapline St. with Mayor Elliott presiding.

On roll call, the following were present:

Present: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7  
Absent: -0

Mr. Thalman, seconded by Mr. Thorngate, that the minutes of March 7, 2023 and March 14, 2023 meetings be accepted as received.

### **MAYOR'S REPORT**

Mayor Elliott appointed Joe Sparksman to the Wheeling Housing Authority Commission, for a period of three years, seconded by Mr. Thalman and Mr. Thorngate.

Mayor Elliott appointed Dave Shaeffer to the Board of Zoning Appeals, for a period of three years Term expires June 30, 2026, Mr. Palmer, seconded by Mr. Seidler, councils concurrence.

Mayor Elliott asked for an Executive Session to be held after regular session to discuss personnel matters.

### **CLERK'S REPORT**

Clerk Delbert presented Historic Landmarks Commission Report to Council regarding Demolition Review of 410 South Front St., Mr. Thorngate, seconded by Mr. Seidler, moved to accept Historic Landmarks Commission's recommendation to table the request.

Clerk Delbert presented Historic Landmarks Commission Report to Council regarding Demolition Review of 109 S. York St, Mr. Thorngate, seconded by Mr. Seidler, moved to accept Historic Landmarks Commission's recommendation to allow demolition permit to be issued by Building and Planning Department.

Clerk Delbert presented Historic Landmarks Commission Report to Council regarding Demolition Review of 144, 146, 148 16<sup>th</sup> St, Mr. Thorngate, seconded by Ms. Ketchum, moved to accept Historic Landmarks Commission's recommendation to table the request.

### **UNFINISHED BUSINESS**

#### Demolition Liens for Contract Number 1

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING FIXING THE ASSESSMENTS FOR THE COSTS OF RAZING DILAPIDATED STRUCTURES ON CERTAIN PROPERTIES IN THE CITY IN ACCORDANCE WITH APPLICABLE SECTIONS OF THE WEST VIRGINIA CODE AND THE CODIFIED ORDINANCES OF THE CITY OF WHEELING

The ordinance was read a second time by title. Mr. Sklavounakis, seconded by Mr. Seidler, moved that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7  
NOES: -0

A majority of all those elected to Council having voted in favor, the mayor thereupon declared the ordinance adopted.

Amending and Reenacting Schedule 5A in the D3 district

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The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING PART THIRTEEN PLANNING AND ZONING CODE, CHAPTER THREE – ZONING ORDINANCE – ARTICLE 1339 – COMMERCIAL DISTRICTS, SCHEDULE 5.A SCHEDULE OF DIMENSIONAL REQUIREMENTS

The ordinance was read a second time by title. Mr. Thorngate, seconded by Mr. Thalman, moved that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7  
NOES: -0

A majority of all those elected to Council having voted in favor, the mayor thereupon declared the ordinance adopted.

Mr. Palmer moved, seconded by Mr. Sklavounakis, that the following: Historic Landmark Commission Minutes 2/22/23, Greater Wheeling Sports and Entertainment Authority Minutes 1/31/23, which were held over be accepted as received.

#### **REMARKS FROM MEMBERS OF COUNCIL**

Ms. Ketchum states there will be a meeting April 3, 2023 at 5:30pm held at Mozart VFD to discuss duplicate street names.

#### **REPORT OF COMMITTEES**

Mr. Thalman moved, seconded by Mr. Sklavounakis to accept Rules Committee Minutes dated March 7, 2023 as received. For the record they are as follows:

##### **RULES COMMITTEE REPORT March 7, 2023**

The Rules Committee of Wheeling City Council met on the above date at 5:15 p.m. in Council Chambers. Committee members present: Chair Thalman, Vice Chair Sklavounakis, Member Palmer. Others present: Councilors Seidler, Ketchum, Thorngate, City Manager Robert Herron, and City Solicitor Rose Humway-Warmuth.

The following matters were discussed:

Amending 505.01 entitled Cruelty to Animals

Mr. Thalman proposes additional language in city code, that no one shall withhold: Shelter that protects from the elements of weather; provided that, for purposes of this subsection, any animal kept outside shall be provided with structurally sound weatherproof enclosure, large enough to accommodate the animal with adequate room for movement and insulated so as to protect the animal from extreme heat or cold temperatures.

Ms. Humway-Warmuth confirms that similar language is what is outlined in State Code, and enforcement provisions require assistance from Dog Warden.

Mr. Seidler and Mr. Thorngate state they also would like to see revisions to the noise sections pertaining to barking dogs. Mr. Sklavounakis believes we need to expand the definition of shelter. Mr. Palmer, seconded by Mr. Thalman, moved to reconvene when city staff prepared language to review for changes. All in favor. Motion carried.

There being no further business to come before the Committee, Mr. Palmer, seconded by Mr. Thalman, moved to adjourn. Time: 5:29 p.m.

#### **REPORT OF CITY MANAGER**

Mr. Herron states Police Department has officially moved, ribbon cutting to be held in mid-

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April. Mr. Herron states the new Fire Department Headquarters is on schedule and to be completed by the end of this year. Mr. Herron asked for an executive session to discuss property acquisition and sale.

**REPORT OF OTHER OFFICERS**

Mr. Seidler, seconded by Ms. Ketchum, moved to hold over: Centre Market Commission Minutes 2/7/23, Hall of Fame Minutes 2/14/23, Financial Statement February 2023. Motion carried all in favor.

**ORIGINAL PROPOSITIONS**

Mattucci Roofing- Fire Station #4 Roof Restoration- CSF

The following was then read by title:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$21,000 WITH MATTUCI ROOFING OF WHEELING, WV FOR FIRE STATION #4 ROOF RESTORATION, TO BE CHARGED TO CITY SERVICE FEE

A-1 Cleaning Services- Police Headquarters

The following was then read by title:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR CONTRACTUAL SERVICES WITH A-1 CLEANING SERVICE OF WHEELING, WV FOR DAILY CLEANING SERVICES FOR THE CITY OF WHEELING POLICE HEADQUARTERS TO BE CHARGED TO POLICE DEPARTMENT

Home-Owner Repair Assistance Program for Homes Built Prior to 1940

The following was then read by title:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING REGARDING A PROGRAM, WHICH IS UTILIZING MONEY IN THE GENERAL FUND TO PROVIDE FINANCIAL ASSISTANCE TO AID RESIDENTS IN EXTERIOR HOME IMPROVEMENTS FOR HOMES BUILT PRIOR TO 1940

Dagostino Electric Services Inc- Fire Department Cabling, Access Controls, Surveillance- CSF

The following was then read by title:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING REGARDING A PROGRAM, WHICH IS UTILIZING MONEY IN THE GENERAL FUND TO PROVIDE FINANCIAL ASSISTANCE TO AID RESIDENTS IN EXTERIOR HOME IMPROVEMENTS FOR HOMES BUILT PRIOR TO 1940

Resolution- Adopting of General Fund Budget FY 2023-2024

The following was then read by title:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING APPROVING THE FY 2023-2024 GENERAL FUND BUDGET

The resolution was read by title. Mr. Palmer, seconded by Mr. Thorngate, moved that the resolution be adopted.

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The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7  
NOES: -0

A majority of all those elected to Council having voted in favor, the mayor thereupon declared the ordinance adopted.

Resolution- Adopting Coal Severance Budget FY 2023-2024

The following was then read by title:

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
WHEELING APPROVING THE FY 2023-2024 COAL  
SEVERANCE BUDGET

The resolution was read by title. Mr. Palmer, seconded by Mr. Thorngate, moved that the resolution be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7  
NOES: -0

A majority of all those elected to Council having voted in favor, the mayor thereupon declared the ordinance adopted.

Resolution- Authorizing Submission of the FY 2021 Annual Action Plan –HUD

The following was then read by title:

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
WHEELING AUTHORIZING SUBMISSION OF THE FY 2021  
ANNUAL ACTION PLAN – SUBSTANTIAL AMENDMENT  
FOR THE HOME-ARP ALLOCATION PLAN TO THE U.S.  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
(HUD)

The resolution was read by title. Ms. Ketchum, seconded by Mr. Seidler, moved that the resolution be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Seidler, Ketchum, Sklavounakis, Thorngate, Palmer - 7  
NOES: -0

A majority of all those elected to Council having voted in favor, the mayor thereupon declared the ordinance adopted.

**THOSE WISHING TO BE HEARD**

Wheeling Resident Mario spoke in opposition of the WV Senate Trans Bill.

Mr. Thalman moved, seconded by Mr. Thorngate, to enter into executive session. Time 5:58. All in favor. Motion carried. Mr. Thalman moved, seconded by Mr. Thorngate, to exit executive session. Time 6:35 p.m. Motion by Mayor Elliott to appoint Jessica Zalenski City Clerk starting March 22, 2023.

There being no further business to discuss Mr. Seidler moved, seconded by Mr. Thorngate to adjourn. Time 6:38pm.

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City Clerk

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Mayor